

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

In re:

HIGHLAND CAPITAL MANAGEMENT, L.P.

Debtor.

Chapter 11

Case No. 19-34054 (SGJ)

MARC S. KIRSCHNER, AS LITIGATION  
TRUSTEE OF THE LITIGATION SUB-  
TRUST,

*Plaintiff*

v.

Adv. Pro. No. 21-03076-sgj

JAMES D. DONDERO; MARK A. OKADA;  
SCOTT ELLINGTON; ISAAC LEVENTON;  
GRANT JAMES SCOTT III; FRANK  
WATERHOUSE; STRAND ADVISORS, INC.;  
NEXPOINT ADVISORS, L.P.; HIGHLAND  
CAPITAL MANAGEMENT FUND  
ADVISORS, L.P.; DUGABOY INVESTMENT  
TRUST AND NANCY DONDERO, AS  
TRUSTEE OF DUGABOY INVESTMENT  
TRUST; GET GOOD TRUST AND GRANT  
JAMES SCOTT III, AS TRUSTEE OF GET  
GOOD TRUST; HUNTER MOUNTAIN  
INVESTMENT TRUST; MARK & PAMELA  
OKADA FAMILY TRUST – EXEMPT TRUST  
#1 AND LAWRENCE TONOMURA AS  
TRUSTEE OF MARK & PAMELA OKADA  
FAMILY TRUST – EXEMPT TRUST #1;  
MARK & PAMELA OKADA FAMILY  
TRUST – EXEMPT TRUST #2 AND  
LAWRENCE TONOMURA IN HIS  
CAPACITY AS TRUSTEE OF MARK &  
PAMELA OKADA FAMILY TRUST –  
EXEMPT TRUST #2; CLO HOLDCO, LTD.;  
CHARITABLE DAF HOLDCO, LTD.;  
CHARITABLE DAF FUND, LP.; HIGHLAND



DALLAS FOUNDATION; RAND PE FUND I,  
LP, SERIES 1; MASSAND CAPITAL, LLC;  
MASSAND CAPITAL, INC.; SAS ASSET  
RECOVERY, LTD.; AND CPCM, LLC,

*Defendants.*

**THE DONDERO DEFENDANTS' WITNESS AND EXHIBIT LIST  
FOR MARCH 17, 2022 STATUS CONFERENCE**

James Dondero, Dugaboy Investment Trust, Get Good Trust, and Strand Advisors, Inc. (collectively, the "Dondero Defendants") hereby submit this Witness and Exhibit List for the status conference scheduled on Thursday, March 17, 2022 at 1:30 p.m. (the "Status Conference") on the following matters:

1. *The Motion to Withdraw the Reference for the Causes of Action in the Complaint Asserted Against the Former Employee Defendants* [Adv. Proc. Dkt. 27], the *Brief in Support of Motion to Withdraw the Reference for the Causes of Action in the Complaint Asserted Against the Former Employee Defendants* [Adv. Proc. Dkt. 28], and *The Former Employee Defendants' Reply in Support of the Motion to Withdraw the Reference* [Adv. Proc. Dkt. 108].
2. *The Motion of the Okada Parties to Withdraw the Reference* [Adv. Proc. Dkt. 36], the *Memorandum of Law in Support of the Okada Parties' Motion to Withdraw the Reference* [Adv. Proc. Dkt. 37], and the *Reply in Support of the Okada Parties' Motion to Withdraw the Reference* [Adv. Proc. Dkt. 105].
3. *The Motion to Withdraw the Reference for the Causes of Action in the Complaint Asserted Against Defendants* [Adv. Proc. Dkt. 39], the *Memorandum in Support of Defendants NexPoint Advisors, L.P. and Highland Capital Management Fund Advisors, L.P.'s Jury Demand and Motion to Withdraw the Reference* [Adv. Proc. Dkt. 40], and the *Reply in Support of Motion to Withdraw the Reference* [Adv. Proc. Dkt. 103].
4. *Defendants James Dondero, Dugaboy Investment Trust, Get Good Trust, and Strand Advisors, Inc.'s Motion to Withdraw the Reference* [Adv. Proc. Dkt. 45], *Defendants James Dondero, Dugaboy Investment Trust, Get Good Trust, and Strand Advisors, Inc.'s Memorandum of Law in Support of Motion to Withdraw the Reference* [Adv. Proc. Dkt. 46], and *The Dondero Defendants' Reply in Support of the Motion to Withdraw the Reference* [Adv. Proc. Dkt. 106].



5. *Defendant Grant James Scott's Motion to Withdraw Reference* [Adv. Proc. Dkt. 50], and *Defendant Grant James Scott's Brief in Support of Motion to Withdraw Reference* [Adv. Proc. Dkt. 51].
6. *Motion to Withdraw the Reference* [Adv. Proc. Dkt. 59], and *Reply in Support of Motion to Withdraw the Reference* [Adv. Proc. Dkt. 104] filed by CLO Holdco, Ltd., Charitable DAF Holdco, Ltd., Charitable DAF Fund, L.P., and Highland Dallas Foundation.
7. *The Litigation Trustee's Response in Opposition to Defendants' Motions to Withdraw the Reference* [Adv. Proc. Dkt. 95].

#### **THE DONDERO DEFENDANTS' WITNESS LIST**

The Dondero Defendants may call the following persons to testify as witnesses at the Status Conference:

1. Any witness called by any other party; and
2. Rebuttal witnesses as necessary.

The Dondero Defendants reserve the right to cross-examine any witness called by any other party.

#### **THE DONDERO DEFENDANTS' EXHIBIT LIST**

1. Any exhibits designed by any other party, specifically including the exhibits listed in *The Former Employee Defendants' Witness and Exhibit List for Status Conference Scheduled for March 17, 2022 at 1:30 p.m. (Central Time)* [Adv. Proc. Dkt. 109].
2. Any exhibits necessary as rebuttal evidence.

The Dondero Defendants reserve the right to amend or supplement this Witness and Exhibit List as necessary in advance of the Status Conference.



Dated: March 15, 2022

Respectfully submitted,

DLA PIPER LLP (US)

/s/ Amy L. Ruhland

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